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under this section. *In re Harper*, 175 Fed. 412; *In re Gay*, 182 Fed. 260. So, of an action for malicious attachment of property: *Hansen v. Wyman & Partidge Co.*, 105 Minn. 491, 117 N. W. 926. The right to revest one's self with property, held as security for a usurious loan, seems equally to be in protection of property. The principal case, however, took the view that the right under the usury statute was personal to the borrower, following previous decisions. *Wheelock v. Lee*, 64 N. Y. 242; *In re Fishel*, 198 Fed. 464. However the trustee in bankruptcy of the borrower may to some extent avail himself of the usury statutes. He may use the defense of usury to defeat a claim against the estate. *In re Kellogg*, 121 Fed. 333; *Broach v. Mullis*, 228 Fed. 551. He may recover usurious interest paid. *Reed v. National Bank*, 155 Fed. 233; *Wheelock v. Lee*, *supra*. He may recover a penalty to which the lender is liable. *Tamplin v. Wentworth*, 99 Mass. 63; *First National Bank v. Lasater*, 196 U. S. 115. Furthermore, the property in the pledge will pass to the trustee subject only to the creditor's lien. *Rode & Horn v. Phipps*, 195 Fed. 414. And normally a creditor would have no standing to rely on a lien obtained by a usurious contract. *Thompson v. Van Vechten*, 27 N. Y. 568; *Vickery v. Dickson*, 35 Barb. 96. The result of the principal case is undesirable since it enables the bankrupt, by pledging property to a usurious creditor, to prevent it from going to his legitimate creditors unless the trustee in bankruptcy pays the usurious creditor in full.

CONFLICT OF LAWS — CONCURRENT JURISDICTION — RULE OF FEDERAL COURTS AS TO BURDEN OF PROOF APPLIED IN AN ACTION IN A STATE COURT UNDER A FEDERAL STATUTE. — In an action in a state court based on the federal Employers' Liability Act, the question was presented whether the rule of the state court or that of the federal court regarding the burden of proof on the issue of assumption of risk should govern (35 STAT. 65). *Held*, that the federal rule should be applied. *Crugley v. Grand Trunk Ry. Co.*, 108 Atl. 293 (N. H.).

State courts of general jurisdiction must take cognizance of an action to enforce a right of recovery arising under the federal Employers' Liability Act. *Mondou v. New York, N. H. & H. R. Co.*, 223 U. S. 1. In such an action in a state court, the decisions of the federal courts as to the construction of the statute are binding. *Southern Ry. Co. v. Gray*, 241 U. S. 333. As to matters of procedure, the law of the forum governs. *Ches. & Ohio Ry. Co. v. Kelley's Adm'x*, 161 Ky. 655, 171 S. W. 185; *Bombolis v. Minn., etc. R. Co.*, 128 Minn. 112, 150 N. W. 385; *St. Louis, etc. R. Co. v. Brown*, 45 Okla. 143, 144 Pac. 1075. The question of who has the burden of proof of an issue is ordinarily one of procedure. *Duggan v. Bay State St. Ry. Co.*, 230 Mass. 370, 119 N. E. 757; *Sackheim v. Piqueron*, 215 N. Y. 62, 109 N. E. 109; *So. Ind. Ry. Co. v. Peyton*, 157 Ind. 690, 61 N. E. 722. But a statute which creates a cause of action may impose limitations on it which become a part of the substantive right, although apart from the statute they would be remedial only. *Phillips v. Grand Trunk Ry.*, 236 U. S. 662; *Partee v. St. Louis, etc. Co.*, 204 Fed. 970; *Wheatland v. Boston*, 202 Mass. 258, 88 N. E. 769. The United States Supreme Court has ruled that the statute in question makes the burden of proof a part of the substantive right. *Central Vt. R. R. v. White*, 238 U. S. 507. Since the state court is bound by this construction of the statute, the decision in the principal case follows logically.

CONSTITUTIONAL LAW — DUE PROCESS — REGULATION OF PRICES. — The Montana legislature passed an act giving a commission power to supervise the charges made for all commodities sold within the state, and to establish maximum prices or a reasonable margin of profit; the act made provision for court review of any prices claimed to be unreasonable or unjustly discriminatory.